

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAWN RUTHERFORD,

Plaintiff,

No. C 07-06426 WHA

v.

SCENE 7 INC. LONG TERM DISABILITY
PLAN, PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

**CASE MANAGEMENT ORDER
IN DENIAL-OF-BENEFITS
ACTION UNDER ERISA**

Defendant.

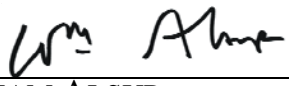
After a case management conference, the Court enters the following order pursuant to Rule 16 of the Federal Rules of Civil Procedure ("FRCP") and Civil Local Rule 16-10:

1. This is an ERISA action challenging a denial of disability benefits. A threshold question is the extent to which the "administrative record" should be augmented and/or discovery allowed. To tee up this issue, the following procedure will be used. On **JUNE 5, 2008**, defendant shall file the "administrative record" and its motion for summary judgment to be heard on a 35-day track. In this submission, please include a detailed declaration explaining what is and is not in the "administrative record" and the manner and guidelines by which it was compiled. Then, plaintiff's opposition and any request for discovery shall be filed **THREE WEEKS** before the hearing with any reply thereto **TWO WEEKS** before the hearing. Reply declarations will be disfavored.

2. Depending on the outcome of the summary-judgment motion, this case may or may not proceed further. If it does, a further case management order will issue.
3. A further case management conference is set for **AUGUST 7, 2008**, at **11:00 A.M.**

IT IS SO ORDERED.

Dated: April 10, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE